

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

LUIS HOMMY RODRIGUEZ VAZQUEZ
RUTH JACQUELINE CRUZ MERCED

DEBTORS

CASE NO 20-03819 MCF

CHAPTER 13

**DEBTORS' MOTION REQUESTING COURT AUTHORIZATION
TO INCUR IN CREDIT/REFINANCING OF CAR LEASE BALANCE**

TO THE HONORABLE COURT:

COME NOW, LUIS HOMMY RODRIGUEZ VAZQUEZ and RUTH JACQUELINE CRUZ MERCED, the Debtors in the above captioned case, through the undersigned attorney, and very respectfully state and pray as follows:

1. On September 28, 2020, the herein Debtors filed the above captioned bankruptcy case under Chapter 13, 11 USC §§1301 *et. seq.*
2. Part 8, Section 8.4 of the Debtors' proposed *Amended Chapter 13 Plan* dated March 08, 2020, Docket No. 24, provides for First Bank Puerto Rico/First Leasing's Claim No. 3-2, a car lease on a 2016 RAM 1500.
3. The car lease with First Bank Puerto Rico/First Leasing ("First Leasing") matured on January 05, 2022, and the Debtors owe a "residual balance" on the lease with said creditor in the sum of \$14,748.40.
4. Under the terms of the aforementioned Debtors' *Amended Chapter 13 Plan*, Docket No. 24, the Debtors proposed to assume said car lease, whereby the Debtor is to pay current direct car lease payments to First Leasing, and the "residual balance" to be paid through a refinancing of the same. The Debtors have paid to First Leasing all post-petition direct lease payments, owing the "residual balance" to said creditor.

5. On January 21, 2022 the Debtors met with First Leasing, and the Debtors were qualified for a loan to refinance the residual balance in the sum of \$14,758.40, pending this Court's authorization to incur in said refinancing. Attached is copy of *Contract Calculation Sheet* ("*Hoja de Cálculo del Contrato*") issued by First Bank, dated January 21, 2022.

6. The Debtors and First Leasing have agreed to the aforestated refinancing through First Bank Puerto Rico/First Leasing, thus, the Debtors hereby request the Court authorization to incur in a refinancing of the above stated balance.

7. Under the terms of the new lease agreement, the Debtors are to pay First Leasing the sum of \$734.00 for twenty four (24) months, at a 10.95 % interest rate, with a total loan value of \$17,616.00, including \$995.00 for loan origination fees.

8. The Debtors hereby respectfully request this Honorable Court to approve and grant its authorization for the Debtors to obtain post-petition financing of the balance owed to First Leasing, through the proposed post-petition refinancing.

9. Should the Court approve this post-petition refinancing the Debtors and creditors will benefit considering that creditor First Leasing will be paid its balance owed; the Debtors will be able to retain their 2016 RAM 1500, which is needed as transportation means to go to work; and, the Debtors will not receive any proceeds from said transaction.

10. The Debtors are current in their Plan payments to the Trustee and respectfully understand that they have the financial ability to incur in the post-petition lease contract, thus, the Debtors respectfully request that the Court grant authorization to incur in this post-petition lease balance refinancing and continue with the closing of the same with First Bank Puerto Rico/First Leasing.

11. Based on the aforementioned, the Debtors respectfully request this motion be granted and the Court to enter an Order allowing the Debtors to incur in the post-petition loan refinancing as herein described. 11 U.S.C. Section 364; Rule 4001 (c) of the Federal Rules of Bankruptcy Procedure; Local Rule 4001-2, Local Bankruptcy Rules -DPR.

WHEREFORE, the Debtors respectfully request this Honorable Court grant the present motion authorizing the Debtors to incur in the post-petition refinancing, as herein submitted.

NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action that objects to the relief sought herein shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF filing system which will send notice of same to the Chapter 13 Trustee; U.S. Trustee's Office; and all system participants; I also certify that a copy of this motion was sent via US Mail to the Debtor; and to all creditors and parties in interest (EM/ECF non-participants) appearing in the master address list, hereby attached.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 2nd day of February, 2022.

/s/Roberto Figueroa Carrasquillo

USDC #203624

RFIGUEROA CARRASQUILLO LAW OFFICE PSC

ATTORNEY FOR the DEBTOR

PO BOX 186 CAGUAS PR 00726-0186

TEL NO 787-744-7699; 787-963-7699

Email: rfc@rfigueroalaw.com



Hoja de Cálculo del Contrato

01/21/2022

Nombre Comprador : LUIS H RODRIGUEZ VAZQUEZ

Vendedor :

Tipo de Préstamo:	Leasing
Fecha de Contrato:	1/21/2022
Fecha de Primer Pago:	3/5/2022
APR:	10.95%
Término:	24
Precio de Venta:	14,758.40
Accesorios:	0.00
Servicios:	0.00
= Total	14,758.40
Pronto Pago:	0.00
Trade-in:	0.00
Residual:	0.00
Tipo de Automóvil:	USADO
Seguro de Cuenta:	POR CLIENTE 0.00
Balance a Financiar:	14,758.40
+ FirstBank PPP:	0.00
+ FirstBank PPP GAP:	0.00
+ Prima de Seguro:	0.00
+ Seguro GAP:	0.00
+ Costo Originación:	995.00
+ Contrato de Servicio:	0.00
+ Prima de Vida:	0.00
= Subtotal de Seguros	0.00
= Principal	15,753.40
+ Intereses:	1,862.60
+ Intereses de Seguro:	0.00
= Subtotal de Intereses	1,862.60
= Nota Total	17,616.00
Primer Pago:	1 734.00
Pago Regular:	23 734.00
Ultimo Pago:	0 0.00
	24 17,616.00
Pago de seguro:	0.00

Label Matrix for local noticing
0104-3
Case 20-03819-MCF13
District of Puerto Rico
Old San Juan
Wed Feb 2 08:26:07 AST 2022

US Bankruptcy Court District of P.R.
Jose V Toledo Fed Bldg & US Courthouse
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

FIRST BANK
CONSUMER SERVICE CENTER
BANKRUPTCY DIVISION-(CODE 248)
PO BOX 9146 SAN JUAN PR, 00908-0146

Firstbank Puerto Rico
PO Box 9146
San Juan, PR 00908-0146

LVNV Funding, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Thd/Cbna
PO Box 6497
Sioux Falls, SD 57117-6497

ALEJANDRO OLIVERAS RIVERA
ALEJANDRO OLIVERAS CHAPTER 13 TRUS
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ROBERTO FIGUEROA CARRASQUILLO
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ISLAND PORTFOLIO SERVICES LLC AS SERVICER OF
PO BOX 361110
SAN JUAN, PR 00936-1110

Amex/Dsnb
PO Box 8218
Mason, OH 45040-8218

Firstbank
PO Box 11856
San Juan, PR 00910-3856

Island Finance
PO Box 71504
San Juan, PR 00936-8604

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

USDA RURAL HOUSING SERVICE
CENTRALIZED SERVICNG CENTER
PO BOX 66879
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HC08 BOX 38725
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RUTH JACQUELINE CRUZ MERCED
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CAGUAS, PR 00725-9417

USDA - RURAL DEVELOPMENT
US Attorney's Office
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Citi
PO Box 6190
Sioux Falls, SD 57117-6190

Firstbank Puerto Rico
PO Box 11856
San Juan, PR 00910-3856

Island Portfolio Services, LLC as servicer o
PO BOX 361110
San Juan PR 00936-1110

Syncb/Jc Penney Pr
PO Box 965007
Orlando, FL 32896-5007

Usda Rural Development
PO Box 66889
Saint Louis, MO 63166-6889

MONSITA LECAROS ARIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Portfolio Recovery Associates, LLC
POB 12914
Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)FIRSTBANK PUERTO RICO: First Leasing

(u)FIRST BANK
CONSUMER SERVICE CENTER
BANKRUPTCY DIVISION (CODE 248)
PO BOX 9146, SAN JUAN, PR 0098-0146

End of Label Matrix	
Mailable recipients	22
Bypassed recipients	2
Total	24